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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,849

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Bernd Merle

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EXAMINER

JENNISON, BRIAN W

ART UNIT

PAPER NUMBER

3742

NOTIFICATION DATE

DELIVERY MODE

07/22/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@hahnlaw.com  
akron-docket@hotmail.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/569,849	<b>Applicant(s)</b> MERLE ET AL.	
	<b>Examiner</b> BRIAN JENNISON	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/27/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Merle US (5,130,518).

**Regarding Claim 28:** The current of the coil is monitored and the inductance must be monitored based on a current measurement. **See Column 7, 5-25.** A scanner receives data and defines the acceptable boundaries of the welding energy. **See Column 6, Lines 50-68.**

**Regarding Claims 29-30:** A welding current is provided. The current being AC or DC and the frequency of the AC does not affect the method in a positive manner and is not given patentable weight. The type of current desired may be determined with routine experimentation.

**Regarding Claims 31-33:** The current, frequency and resistance are monitored and corrected if they fall outside the determined boundaries. The current will affect the inductance. **See Column 3, Lines 20-55.**

Art Unit: 3742

**Regarding Claims 34 and 37:** The welding process is not started until the heating coil fitting has a desired resistance value. Thus, the resistance must be measured before the welding process. **See Column 3, Lines 20-25.**

**Regarding Claims 35-36:** The welding current or voltage is measured during the process. **See Column 3, Lines 40-55.**

**Regarding Claim 38:** The welding time is controlled based the welding current. **See Column 4, Lines 60-68.**

**Regarding Claims 41-43:** These are standard ways to measure inductance by routine calculations using widely known formulas. The voltage, current, resistance and frequency are all measured in the circuit in the figure.

**Regarding Claims 44-45:** Fig 1 has two measurement points for measuring the resistance at 27 and would be connected to the heating coil by h1 and h2.

**Regarding Claim 46:** Fig 1 shows a heating coil 1 with a welding power supply, two connecting lines h1 and h2, a control unit 8 which is connected to a voltage monitor and a current monitor which inductance may be calculated from and may adjust the welding parameters. **See Column 3, Lines 20-55.** There is also an input device U input.

Art Unit: 3742

**Regarding Claim 47:** The resistance measured from the coil by 27 in Fig 1, may be ohmic if the I-V relationship is linear.

**Regarding Claim 48:** Fig 1 shows a counter 17 from which the welding time may be adjusted.

**Regarding Claims 49-50:** Fig 1 shows a label 2 which data is provided in the form of a bar code and read by a scanner. **See Column 4, Lines 5-10.**

**Regarding Claims 51-52:** The welding voltage may be DC or AC. If AC the fundamental frequency will differ from that of the heating coil. **See Column 3, Lines 38-55.**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN JENNISON whose telephone number is (571)270-5930. The examiner can normally be reached on M-Th 7:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN JENNISON/  
Examiner, Art Unit 3742

7/9/2009  
/TU B HOANG/  
Supervisory Patent Examiner, Art Unit 3742